

AMENDED IN SENATE MAY 1, 2012
AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1251

Introduced by Senator Evans

February 23, 2012

An act to add Section 35626 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1251, as amended, Evans. Ocean Protection Council: Aquatic Invasive Species Working Group.

Existing law establishes the Ocean Protection Council, and prescribes the membership and functions and duties of the council. Existing law requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations. Existing law also establishes the Wildlife Conservation Board, and prescribes its functions and duties with regard to land preservation and species protection and control.

This bill would require the council and the board, ~~upon appropriation of funding by the Legislature,~~ *to enter into a memorandum of agreement to jointly establish an Aquatic Invasive Species Working Group for the development and implementation of an aquatic invasive species control program, program. The bill would require the Secretary of the Natural Resources Agency to appoint a member of the council or its executive director to chair the working group, comprised of specified members appointed by the Secretary of the Natural Resources Agency secretary.* The bill would prescribe the functions and duties of the working group

with regard to the management of aquatic invasive species within different regions of the state. The bill would require the working group, no later than January 1, 2014, to prepare and submit to the Legislature a report containing recommendations for future legislation pertaining to the management of aquatic invasive species in the state.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35626 is added to the Public Resources
2 Code, to read:
3 35626. (a) (1) The council and the Wildlife Conservation
4 Board shall ~~make a grant, upon appropriation of funding by the~~
5 ~~Legislature, enter into a memorandum of agreement to jointly~~
6 establish an Aquatic Invasive Species Working Group for the
7 development and implementation of an aquatic invasive species
8 control program. ~~The working group shall be comprised of the~~
9 ~~following members, who shall be appointed by the Secretary of~~
10 ~~the Natural Resources Agency~~ *The Secretary of the Natural*
11 *Resources Agency shall appoint a member of the council or its*
12 *executive director to chair the working group, which shall be*
13 *comprised of the following members appointed by the secretary:*
14 (A) One member representing county agricultural
15 commissioners.
16 (B) One member representing California horticultural invasive
17 species prevention groups.
18 (C) ~~One member representing the California Invasive Plant~~
19 ~~Council~~ *Two members representing organizations with expertise*
20 *in the management of invasive plants in California.*
21 (D) One member representing the Western Aquatic Plant
22 Management Society.
23 (E) One member representing the aquarium trade.
24 (F) One member representing aquaculture.
25 (G) Two members representing marinas in the state, with one
26 member representing marine water marinas, and the other member
27 representing freshwater marinas.
28 (H) Two members representing commercial shipping interests,
29 with one member representing northern California shipping, and
30 one member representing southern California shipping.

1 (I) Two members representing recreational boating interests,
2 with one member representing marine water boating, and one
3 member representing freshwater boating.

4 (J) Two members representing harbors and ports, with one
5 member representing small ports, and one member representing
6 large ports.

7 (K) Two members representing southern California counties.

8 (L) Two members representing northern California counties.

9 (M) Two members representing environmental organizations.

10 (N) Two members representing public water agencies.

11 (O) Two members representing recreational fishing interests.

12 (P) Two members representing commercial fishing interests.

13 (Q) One member representing the California Ocean Science
14 Trust.

15 (2) Each of the members appointed pursuant to paragraph (1)
16 shall designate an alternate member to serve in his or her place
17 when the member is unavailable.

18 (b) The working group shall collaborate with the California
19 Agencies Aquatic Invasive Species Team (CAAIST). CAAIST
20 shall be available to assist the working group in an advisory
21 capacity. The working group and CAAIST shall regularly
22 communicate and exchange information, and the working group
23 shall notify CAAIST of the date, time, place, and agenda of its
24 scheduled meetings.

25 (c) The working group shall utilize a science panel, comprised
26 of three to six members with expertise in aquatic invasive species,
27 at least one of whom shall be a representative of the University of
28 California. The members of the science panel shall be appointed
29 by the Secretary of the Natural Resources Agency, and the panel
30 shall serve in an advisory capacity to the working group. The
31 working group shall notify the members of the science panel of
32 the date, time, place, and agenda of its scheduled meetings.

33 (d) The working group shall do all of the following:

34 (1) Convene participants of the working group, gather and
35 analyze relevant data pertaining to invasive species, develop an
36 action plan for the working group, and implement procedures to
37 carry out the action plan.

38 (2) (A) No later than January 1, 2014, the working group shall
39 prepare and submit to the Legislature, pursuant to Section 9795
40 of the Government Code, a report containing recommendations

1 for future legislation pertaining to the management of aquatic
2 invasive species in the state. The report shall also be distributed
3 to public agencies and stakeholder groups, the Invasive Species
4 Council of California, and the California Invasive Species Advisory
5 Committee. The goal of the report is to develop a well-funded,
6 comprehensive, statewide approach to the management and control
7 of aquatic invasive species, and to facilitate leadership,
8 collaboration, and coordination among state departments and
9 offices, local governments, and various stakeholders that emphasize
10 aquatic invasive species education and outreach, early detection
11 and monitoring, rapid response, control, and eradication.

12 (B) Pursuant to Section 10231.5 of the Government Code, this
13 paragraph is inoperative on January 1, 2018.

14 (3) The working group shall give priority and recommend
15 actions to implement programs intended to control aquatic invasive
16 species through prevention, early detection, control, and
17 eradication. The working group shall recommend the top aquatic
18 invasive species threats for the purpose of allocating state resources
19 to control those species. The working group shall recommend
20 funding sources for a comprehensive statewide control program,
21 *including consideration of imposing fees on the activities or vectors*
22 *that contribute to invasive species in California*, and shall
23 recommend ways to eliminate duplication among state agencies
24 working on aquatic invasive species control.

25 (4) In carrying out its duties, the working group shall ~~utilize~~
26 ~~specified documents pertaining to aquatic invasive species control;~~
27 ~~including, but not limited to, the Aquatic Invasive Species Rapid~~
28 ~~Response Plan, the California Aquatic Invasive Species~~
29 ~~Management Plan of 2008, Stopping the Spread: A Strategic~~
30 ~~Framework for Protecting California from Invasive Species, and~~
31 ~~any updates of these plans or documents~~ *rely on the best available*
32 *scientific and planning information to fulfill the requirements of*
33 *this section.*

34 (e) The working group may establish subcommittees from the
35 working group membership to focus on issues specific to different
36 species of aquatic invasive species or to particular regions of the
37 state. The subcommittees shall report their recommendations, if
38 any, to the working group as a whole.

1 (f) The working group shall hold at least one public hearing per
2 year to solicit input from government agencies, private
3 organizations, and members of the public.

4 (g) The council may provide a grant to the working group to
5 cover the travel costs and other expenses incurred by members of
6 the working group in connection with the performance of their
7 duties.

8 (h) *The working group may integrate its work with that of the*
9 *Department of Food and Agriculture to create an integrated*
10 *approach for all invasive species in California, both aquatic and*
11 *terrestrial, or make one or more policy recommendations to the*
12 *Legislature to facilitate that integration.*